

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHIDI SUSSIE NWAOHIA
14047 Yorktown Court
Fontana, CA 92336

Registered Nurse License No. 542425
Respondent

Case No. 2009-125

OAH No. L2009010844

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on December 18, 2009.

IT IS SO ORDERED November 18, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-125

11 **CHIDI SUSSIE NWAOHIA**

OAH No. L2009010844

12 **14047 Yorktown Court**

13 **Fontana, CA 92336**

Registered Nurse License No. 542425

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18
19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of
21 Registered Nursing (Board). She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Rene Judkiewicz, Deputy Attorney General.

24 2. Respondent Chidi Sussie Nwaohia (Respondent) is represented in this proceeding by
25 attorney Edward O. Lear, whose address is Edward O. Lear, Century Law Group LLP, 5200 West
26 Century Boulevard, Suite 345, Los Angeles, CA 90045.

27 3. On or about April 1, 1998, the Board issued Registered Nurse License No. 542425 to
28 Respondent. The Registered Nurse License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 2009-125 and will expire on December 31, 2009, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 2009-125 was filed before the Board, Department of Consumer
5 Affairs, and is currently pending against Respondent. The Accusation and all other statutorily
6 required documents were properly served on Respondent on December 10, 2008. Respondent
7 timely filed her Notice of Defense contesting the Accusation. A copy of First Amended
8 Accusation No. 2009-125 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in First Amended Accusation No. 2009-125. Respondent has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in First
25 Amended Accusation No. 2009-125.

26 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
27 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
28 below.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
0

- 1
- 2
- 3

4
5
6

7

209

21
22
23
24
25

26
27
28

1 compliance with this condition, Respondent shall submit completed fingerprint forms and
2 fingerprint fees within forty-five (45) days of the effective date of the decision, unless previously
3 submitted as part of the licensure application process.

4 **Criminal Court Orders:** If Respondent is under criminal court orders, including
5 probation or parole, and the order is violated, this shall be deemed a violation of these probation
6 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

7 2. **Comply with the Board's Probation Program.** Respondent shall fully
8 comply with the conditions of the Probation Program established by the Board and cooperate with
9 representatives of the Board in its monitoring and investigation of the Respondent's compliance
10 with the Board's Probation Program. Respondent shall inform the Board in writing within no
11 more than fifteen (15) days of any address change and shall at all times maintain an active,
12 current license status with the Board, including during any period of suspension.

13 Upon successful completion of probation, Respondent's license shall be fully restored.

14 3. **Report in Person.** Respondent, during the period of probation, shall
15 appear in person at interviews/meetings as directed by the Board or its designated representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of
17 residency or practice as a registered nurse outside of California shall not apply toward a reduction
18 of this probation time period. Respondent's probation is tolled, if and when she resides outside of
19 California. Respondent must provide written notice to the Board within fifteen (15) days of any
20 change of residency or practice outside the state, and within thirty (30) days prior to re-
21 establishing residency or returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been licensed
23 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
24 information regarding the status of each license and any changes in such license status during the
25 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
26 license during the term of probation.

27 5. **Submit Written Reports.** Respondent, during the period of probation,
28 shall submit or cause to be submitted such written reports/declarations and verification of actions

1 under penalty of perjury, as required by the Board. These reports/declarations shall contain
2 statements relative to Respondent's compliance with all the conditions of the Board's Probation
3 Program. Respondent shall immediately execute all release of information forms as may be
4 required by the Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
6 state and territory in which she has a registered nurse license.

7 **6. Function as a Registered Nurse.** Respondent, during the period of
8 probation and if she is no longer on disability (which she went on disability on or about March 4,
9 2008), shall engage in the practice of registered nursing in California for a minimum of twenty-
10 four (24) hours per week for six (6) consecutive months or as determined by the Board.

11 For purposes of compliance with the section, "engage in the practice of registered nursing"
12 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
13 non-direct patient care position that requires licensure as a registered nurse.

14 The Board may require that advanced practice nurses engage in advanced practice nursing
15 for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as
16 determined by the Board.

17 If Respondent has not complied with this condition during the probationary term, and
18 Respondent has presented sufficient documentation of her good faith efforts to comply with this
19 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
20 extension of Respondent's probation period up to one year without further hearing in order to
21 comply with this condition. During the one year extension, all original conditions of probation
22 shall apply.

23 **7. Employment Approval and Reporting Requirements.** Respondent
24 shall obtain prior approval from the Board before commencing or continuing any employment,
25 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
26 performance evaluations and other employment related reports as a registered nurse upon request
27 of the Board.

28 Respondent shall provide a copy of this Decision to her employer and immediate

1 supervisors prior to commencement of any nursing or other health care related employment.

2 In addition to the above, Respondent shall notify the Board in writing within seventy-two
3 (72) hours after she obtains any nursing or other health care related employment. Respondent
4 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
5 separated, regardless of cause, from any nursing, or other health care related employment with a
6 full explanation of the circumstances surrounding the termination or separation.

7 8. **Supervision.** Respondent shall obtain prior approval from the Board
8 regarding Respondent's level of supervision and/or collaboration before commencing or
9 continuing any employment as a registered nurse, or education and training that includes patient
10 care.

11 Respondent shall practice only under the direct supervision of a registered nurse in good
12 standing (no current discipline) with the Board, unless alternative methods of supervision and/or
13 collaboration (e.g., with an advanced practice nurse or physician) are approved.

14 Respondent's level of supervision and/or collaboration may include, but is not limited to the
15 following:

16 (a) Maximum - The individual providing supervision and/or collaboration is present in
17 the patient care area or in any other work setting at all times.

18 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
19 care unit or in any other work setting at least half the hours Respondent works.

20 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
21 person communication with Respondent at least twice during each shift worked.

22 (d) Home Health Care - If Respondent is approved to work in the home health care
23 setting, the individual providing supervision and/or collaboration shall have person-to-person
24 communication with Respondent as required by the Board each work day. Respondent shall
25 maintain telephone or other telecommunication contact with the individual providing supervision
26 and/or collaboration as required by the Board during each work day. The individual providing
27 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
28 patients' homes visited by Respondent with or without Respondent present.

1 9. **Employment Limitations.** Respondent shall not work for a nurse's
2 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
3 traveling nurse, or for an in-house nursing pool.

4 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
5 registered nursing supervision and other protections for home visits have been approved by the
6 Board. Respondent shall not work in any other registered nursing occupation where home visits
7 are required.

8 Respondent shall not work in any health care setting as a supervisor of registered nurses.
9 The Board may additionally restrict Respondent from supervising licensed vocational nurses
10 and/or unlicensed assistive personnel on a case-by-case basis.

11 Respondent shall not work as a faculty member in an approved school of nursing or as an
12 instructor in a Board approved continuing education program.

13 Respondent shall work only on a regularly assigned, identified and predetermined
14 worksite(s) and shall not work in a float capacity.

15 If Respondent is working or intends to work in excess of forty (40) hours per week, the
16 Board may request documentation to determine whether there should be restrictions on the hours
17 of work.

18 10. **Complete a Nursing Course(s).** Respondent, at her own expense,
19 shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no
20 later than six months prior to the end of her probationary term. Course content must include but
21 is not limited to the subject of medical charting and documentation.

22 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
23 Respondent shall submit to the Board the original transcripts or certificates of completion for the
24 above required course(s). The Board shall return the original documents to Respondent after
25 photocopying them for its records.

26 11. **Cost Recovery.** Respondent shall pay to the Board costs associated
27 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
28 in the amount of \$2,000.00 upon Respondent's re-employment and pursuant to a payment plan of

1 \$100.00 per month for a 20-month period. Respondent shall be permitted to pay these costs in a
2 payment plan approved by the Board, with payments to be completed no later than three months
3 prior to the end of the probation term.

4 If Respondent has not complied with this condition during the probationary term, and
5 Respondent has presented sufficient documentation of her good faith efforts to comply with this
6 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
7 extension of Respondent's probation period up to one year without further hearing in order to
8 comply with this condition. During the one year extension, all original conditions of probation
9 will apply.

10 12. **Violation of Probation.** If Respondent violates the conditions of her
11 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
12 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

13 If during the period of probation, an accusation or petition to revoke probation has been
14 filed against Respondent's license or the Attorney General's Office has been requested to prepare
15 an accusation or petition to revoke probation against Respondent's license, the probationary
16 period shall automatically be extended and shall not expire until the accusation or petition has
17 been acted upon by the Board.

18 13. **License Surrender.** During Respondent's term of probation, if she
19 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions
20 of probation, Respondent may surrender her license to the Board. The Board reserves the right to
21 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
22 take any other action deemed appropriate and reasonable under the circumstances, without further
23 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
24 longer be subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and shall
26 become a part of Respondent's license history with the Board. A registered nurse whose license
27 has been surrendered may petition the Board for reinstatement no sooner than the following
28 minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any reason other
2 than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 14. **Physical Examination.** Within forty-five (45) days of the effective date
5 of this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner,
6 or physician assistant, who is approved by the Board before the assessment is performed, submit
7 an assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
11 to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse, the
13 licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
16 immediately cease practice and shall not resume practice until notified by the Board. During this
17 period of suspension, Respondent shall not engage in any practice for which a license issued by
18 the Board is required until the Board has notified Respondent that a medical determination
19 permits Respondent to resume practice. This period of suspension will not apply to the reduction
20 of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within the 45-day
22 requirement, Respondent shall immediately cease practice and shall not resume practice until
23 notified by the Board. This period of suspension will not apply to the reduction of this
24 probationary time period. The Board may waive or postpone this suspension only if significant,
25 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
26 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
27 Only one such waiver or extension may be permitted.
28

1
2 **15. Mental Health Examination.** Respondent shall, within forty-five (45)
3 days of the effective date of this Decision, have a mental health examination including
4 psychological testing as appropriate to determine her capability to perform the duties of a
5 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
6 licensed mental health practitioner approved by the Board. The examining mental health
7 practitioner will submit a written report of that assessment and recommendations to the Board.
8 All costs are the responsibility of Respondent. Recommendations for treatment, therapy or
9 counseling made as a result of the mental health examination will be instituted and followed by
10 Respondent.
11

12
13 If Respondent is determined to be unable to practice safely as a registered nurse, the
14 licensed mental health care practitioner making this determination shall immediately notify the
15 Board and Respondent by telephone, and the Board shall request that the Attorney General's
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
17 practice and may not resume practice until notified by the Board. During this period of
18 suspension, Respondent shall not engage in any practice for which a license issued by the Board
19 is required, until the Board has notified Respondent that a mental health determination permits
20 Respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within the 45-day
23 requirement, Respondent shall immediately cease practice and shall not resume practice until
24 notified by the Board. This period of suspension will not apply to the reduction of this
25 probationary time period. The Board may waive or postpone this suspension only if significant,
26 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
27 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
28 Only one such waiver or extension may be permitted.

1 16. **Rule-Out Substance Abuse Assessment.** – If the examiner conducting the
2 physical and/or mental health examination determines that the Respondent is dependent on drugs
3 or alcohol, or has had problems with drugs or alcohol (i.e., drug dependence in remission or
4 alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then
5 the Respondent must further comply with the following additional terms and conditions of
6 probation.

7 **(A) Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

8 Respondent, at her expense, shall successfully complete during the probationary period or shall
9 have successfully completed prior to commencement of probation a Board-approved
10 treatment/rehabilitation program of at least six months duration. As required, reports shall be
11 submitted by the program on forms provided by the Board. If Respondent has not completed a
12 Board-approved treatment/rehabilitation program prior to commencement of probation,
13 Respondent, within forty-five (45) days from the effective date of the decision, shall be enrolled
14 in a program. If a program is not successfully completed within the first nine months of
15 probation, the Board shall consider Respondent in violation of probation.
16
17

18 Based on Board recommendation, each week Respondent shall be required to attend at least
19 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
20 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
21 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
22 added. Respondent shall submit dated and signed documentation confirming such attendance to
23 the Board during the entire period of probation. Respondent shall continue with the recovery plan
24 recommended by the treatment/rehabilitation program or a licensed mental health examiner
25 and/or other ongoing recovery groups.

26 **(B) Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
27 completely abstain from the possession, injection or consumption by any route of all controlled
28

1 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
2 are ordered by a health care professional legally authorized to do so as part of documented
3 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
4 days, by the prescribing health professional, a report identifying the medication, dosage, the date
5 the medication was prescribed, the Respondent's prognosis, the date the medication will no
6 longer be required, and the effect on the recovery plan, if appropriate.

7 Respondent shall identify for the Board a single physician, nurse practitioner or physician
8 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
9 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
10 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
11 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
12 considered addictive have been prescribed, the report shall identify a program for the time limited
13 use of any such substances.

14 The Board may require the single coordinating physician, nurse practitioner, or physician
15 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
16 medicine.

17 **(C) Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
18 random, biological fluid testing or a drug screening program which the Board approves. The
19 length of time and frequency will be subject to approval by the Board. Respondent is responsible
20 for keeping the Board informed of Respondent's current telephone number at all times.
21 Respondent shall also ensure that messages may be left at the telephone number when she is not
22 available and ensure that reports are submitted directly by the testing agency to the Board, as
23 directed. Any confirmed positive finding shall be reported immediately to the Board by the
24 program and Respondent shall be considered in violation of probation.

25 In addition, Respondent, at any time during the period of probation, shall fully cooperate
26 with the Board or any of its representatives, and shall, when requested, submit to such tests and
27 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
28 hypnotics, dangerous drugs, or other controlled substances.

JUN-17-2009 11:03

1 If Respondent has a positive drug screen for any substance not legally authorized and not
2 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
3 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
4 practice pending the final decision on the petition to revoke probation or the accusation. This
5 period of suspension will not apply to the reduction of this probationary time period.

6 If Respondent fails to participate in a random, biological fluid testing or drug screening
7 program within the specified time frame, Respondent shall immediately cease practice and shall
8 not resume practice until notified by the Board. After taking into account documented evidence
9 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
10 suspend Respondent from practice pending the final decision on the petition to revoke probation
11 or the accusation. This period of suspension will not apply to the reduction of this probationary
12 time period.

13 (D) Therapy or Counseling Program. Respondent, at her expense, shall participate in an
14 on-going counseling program until such time as the Board releases her from this requirement and
15 only upon the recommendation of the counselor. Written progress reports from the counselor will
16 be required at various intervals.

17
18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Edward O. Lear. I understand the stipulation and the effect it will
21 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
22 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
23 of the Board of Registered Nursing.

24
25 DATED: 06/17/09

26 
CHIDI SUSSIE NWAOLIA
Respondent

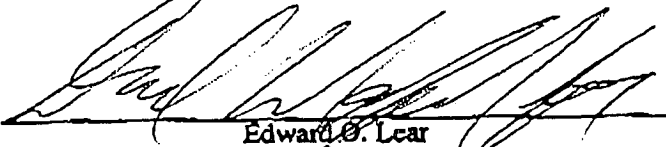
JUN-17-2009 11:54

P. 15/23

1 I have read and fully discussed with Respondent Chidi Sussie Nwaohia the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

3 I approve its form and content.

4 DATED: 6/17/09


Edward G. Lear
Attorney for Respondent

5
6
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
10 Affairs.

11 Dated: _____

Respectfully Submitted,

12
13 EDMUND G. BROWN JR.
Attorney General of California
14 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

15
16 RENE JUDKIEWICZ
Deputy Attorney General
17 Attorneys for Complainant
18

19
20 LA2008600749
60425378.doc
21
22
23
24
25
26
27
28

1 I have read and fully discussed with Respondent Chidi Sussie Nwaohia the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: _____

Edward O. Lear
Attorney for Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
10 Affairs.

11 Dated: 6/17/09

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



RENE JUDKIEWICZ
Deputy Attorney General
Attorneys for Complainant

19 LA2008600749
20 60425378.doc

Exhibit A

First Amended Accusation No. 2009-125

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ, State Bar No. 141773
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2537
Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-125

11 CHIDI SUSSIE NWAOHIA
12 14047 Yorktown Court
Fontana, CA 92336
13 Registered Nurse License No. 542425

**FIRST AMENDED
ACCUSATION**

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about April 1, 1998, the Board of Registered Nursing issued
22 Registered Nurse License Number 542425 to Chidi Sussie Nwaohia (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2009, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

4. Section 118, subdivision (b), of the Code provides that the

5. Section 2750 of the Business and Professions Code (Code) provides, in

6. Section 2764 of the Code provides, in pertinent part, that the expiration of

7. Section 2761 of the Code states:

“(a) Unprofessional conduct”

8. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning

“(a) Obtain or possess in violation of law, . . . except as directed by a licensed

2

1 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
2 entries in any hospital, patient, or other record pertaining to the substances described in
3 subdivision (a) of this section.”

4 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
5 request the administrative law judge to direct a licensee found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct -- Drug Diversion)

10 10. Respondent is subject to disciplinary action under section 2761,
11 subdivision (a) and section 2762, subdivision (a) in that Respondent obtained about 40 tablets of
12 the Schedule II controlled substance of Percocet, in violation of law, at various times when at
13 work at Community Hospital of San Bernardino, from on or about March 2, 2006 through on or
14 about January 22, 2007. The Percocet was removed without documentation in the medical
15 administrative record (MAR). The circumstances are as follows:

16 a. On or about March 2, 2006, the MAR indicated that Patient AT (also
17 referred to as Patient Q) had been administered Percocet. However, the Omnicell Dispensing
18 Practices Report did not indicate any Omnicell removal on March 2 and instead indicated that
19 two tablets of Percocet were removed on March 1. Also, there was no documentation that
20 Patient AT experienced pain on March 2. The only documentation of pain was on March 1,
21 2006, in nursing notes that masse cream was given for the patient's sore nipples.

22 b. On or about March 3, 2006, according to the Omnicell Dispensing
23 Practices Report, two tablets of Percocet were removed for Patient AT, but were not documented
24 in the MAR, and no returns or waste was documented.

25 c. On or about June 16, 2006, according to the Omnicell Dispensing
26 Practices Report, two tablets of Percocet were removed for Patient YM (also referred to as
27 Patient P), but were not documented in the MAR, and no returns or waste was documented.
28 Respondent was the only nurse to remove Percocet for Patient YM.

1 d. On or about August 23, 2006, according to the Omnicell Dispensing
2 Practices Report, two tablets of Percocet were removed for Patient AG (also referred to as Patient
3 O), but were not documented in the MAR, and no returns or waste was documented.

4 e. On or about September 16, 2006, according to the Omnicell Dispensing
5 Practices Report, two tablets of Percocet were removed at 12:19 a.m. for Patient PQ (also
6 referred to as Patient J), but were not documented in the MAR, and no returns or waste was
7 documented. The tablets were removed even though the nursing notes at 12:20 a.m. stated that
8 Patient PQ "denied any pain." In addition, Respondent was the only nurse to remove Percocet
9 for this patient.

10 f. On or about November 2, 2006, according to the Omnicell Dispensing
11 Practices Report, two tablets of Percocet were removed at 6:16 a.m. for Patient MC (also referred
12 to as Patient K), but were not documented in the MAR, and no returns or waste was documented.
13 The tablets were removed even though the last nursing note at 6:02 a.m. stated that Patient MC
14 was "feeling good" and even though there was no notation of pain. In addition, Respondent was
15 the only nurse to remove Percocet for this patient after November 1 at 1 p.m.

16 g. On or about November 9, 2006, according to the Omnicell Dispensing
17 Practices Report, two tablets of Percocet were removed for Patient ER (also referred to as Patient
18 L), but were not documented in the MAR, and no returns or waste was documented.

19 h. On or about November 10, 2006, at 3:24 a.m., according to the Omnicell
20 Dispensing Practices Report, two tablets of Percocet were removed for Patient SC (also referred
21 to as Patient N), but were not documented in the MAR, and no returns or waste was documented.
22 Also, the nursing notes at 3:24 a.m. stated that the patient was asleep. The nursing notes at 6:24
23 a.m. stated that Patient SC was medicated once for pain.

24 i. On or about November 19, 2006, according to the Omnicell Dispensing
25 Practices Report, two tablets of Percocet were removed for Patient GR (also referred to as Patient
26 M), but were not documented in the MAR, and no returns or waste was documented.
27 Respondent was the only nurse to remove Percocet for Patient GR.

28 ///

1 j. On or about December 1, 2006, according to the Omnicell Dispensing
2 Practices Report, a total of six tablets of Percocet were removed for Patient LR (also referred to as
3 Patient I) at three different times and at two tablets each time, first at 12:27 a.m., then at 3:37
4 a.m. and last at 6:23 a.m. Although the tablets were removed, their removal was not documented
5 in the MAR, and no returns or waste was documented. At 12:03 a.m., prior to the first removal
6 at 12:27 a.m., the nursing notes stated that Patient LR "denied pain." At 3:36 a.m., prior to the
7 second removal at 3:37 a.m., the nursing notes stated that pain medication was "not due yet."

8 k. On or about December 8, 2006, according to the Omnicell Dispensing
9 Practices Report, two tablets of Percocet were removed for Patient MM (also referred to as
10 Patient H) but were not documented in the MAR, and no returns or waste was documented. The
11 nursing notes stated that Patient MM "denied pain." In addition, Respondent was the only nurse
12 to sign out Percocet on Patient MM after December 6.

13 l. On or about December 28, 2006, according to the Omnicell Dispensing
14 Practices Report, two tablets of Percocet were removed for Patient JB (also referred to as Patient
15 E) at 6:47 a.m. but were not documented in the MAR, and no returns or waste was documented.
16 The last nursing note at 5:29 a.m. stated, "pain medication give three times."

17 m. On or about January 2, 2007, according to the Omnicell Dispensing
18 Practices Report, two tablets of Percocet were removed for Patient FA (also referred to as Patient
19 F) but were not documented in the MAR, and no returns or waste was documented.

20 n. On or about January 3, 2007, according to the Omnicell Dispensing
21 Practices Report, two tablets of Percocet were removed for Patient FA at 4:29 a.m. but were not
22 documented in the MAR, and no returns or waste was documented. The nursing notes at 3:36
23 a.m. stated that "MOB denied any pain."

24 o. On or about January 3, 2007, according to the Omnicell Dispensing
25 Practices Report, two tablets of Percocet were removed at 2:24 a.m. for Patient TM (also referred
26 to as Patient D) but were not documented in the MAR, and no returns or waste was documented.
27 The nursing notes at 12:14 a.m. and 3:50 a.m. stated that Patient TM denied pain.

28 ///

1 p. On or about January 3, 2007, according to the Omnicell Dispensing
2 Practices Report, two tablets of Percocet were removed for Patient DJ (also referred to as Patient
3 A) but were not documented in the MAR, and no returns or waste was documented.

4 q. On or about January 11, 2007, according to the Omnicell Dispensing
5 Practices Report, two tablets of Percocet were removed at 6:35 a.m. for Patient MV (also referred
6 to as Patient C) but were not documented in the MAR, and no returns or waste was documented.
7 The nursing notes at 12:35 a.m. and 4:41 a.m. stated that Patient MV denied pain, and the 5:38
8 a.m. shift summary nursing note stated that the patient was "medicated once for pain and
9 itching."

10 r. On or about January 23, 2007, according to the Omnicell Dispensing
11 Practices Report, two tablets of Percocet were removed at 2:27 a.m. for Patient IF (also referred
12 to as Patient B) but were not documented in the MAR, and no returns or waste was documented.

13 s. On or about January 23, 2007, according to the Omnicell Dispensing
14 Practices Report, two tablets of Percocet were removed for Patient DJ but were not documented
15 in the MAR, and no returns or waste was documented.

16 SECOND CAUSE FOR DISCIPLINE

17 (Inaccurate Medical Record Entries)

18 11. Respondent is subject to disciplinary action under section 2762,
19 subdivision (e) in that Respondent falsified or made grossly incorrect, inconsistent or
20 unintelligible medical record entries regarding her removal of and administration of drugs.
21 Complaint refers to, and by this reference incorporates, the allegations set forth in paragraph 10,
22 subparagraphs (a) through (s) inclusive, as though set forth fully.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 542425, issued
27 to Respondent Chidi Sussie Nwaohia;

28 ///

1 2. Ordering Respondent to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
4

5 DATED: 6/17/09
6

7
8 Rene Gudkiewicz for
RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
Board of Registered Nursing
10 Department of Consumer Affairs
State of California
11 Complainant
12
13

14 LA2008600749

15 60426343.wpd
16
17
18
19
20
21
22
23
24
25
26
27
28